

REMARKS

The Office Action dated June 28, 2004 has been received and carefully considered. In this response, claims 1, 26, 28, 29, 31, 32, 34, 35 and 37-39 have been amended and new claims 41-46 have been added. Support for the amendments to the claims and the addition of the new claims may be found in the specification and figures as originally filed and no new matter is introduced by these amendments. Reconsideration of the outstanding rejections in the present application is therefore respectfully requested based on the following remarks.

Telephonic Interview of August 27, 2004

At the outset, the undersigned notes with appreciation the courtesies extended by Examiner Patel to the Applicant's representative during the telephonic interview conducted on August 27, 2004 ("the Interview"). As understood from the substance of the Interview, Examiner Patel indicated that the claims would be allowable over the cited if they were to be amended to recite the additional limitations of the general operating system and the appliance operating system executing concurrently. The Applicant has opted to forgo amending the claims 1 and 7 as suggested by the Examiner in view of other amendments to the claims and further in view of the remarks provided herein. The Applicant has, however, entered new claims 41 and 44, dependent from claims 1 and 7, respectively, which recite these additional limitations. The Applicant also notes that the additional limitations suggested by the Examiner are already recited in claims 4 and 26.

Kuragaki Does Not Qualify as § 102 Prior Art

The Office Action relies on Kuragaki (U.S. Patent No. 6,381,524) as prior art under 35 U.S.C. § 102(e) as a basis for rejecting claims 7-25. *See* Office Action, pp. 2-7. However, the Applicant respectfully submits that Kuragaki does not qualify as prior art under § 102. The earliest publication date of Kuragaki (Dec. 27, 2001, the PCT publication date) is subsequent to the filing date (September 28, 2000) of the present application. Accordingly, Kuragaki does not qualify under either of paragraphs (a) or (b) of § 102. Furthermore, Kuragaki is based on an international application filed on June 20, 2000 (i.e., before November 29, 2000). Thus, Kuragaki falls under the prior versions of 35 U.S.C §§ 102 and 374, which provide that for U.S.

patents, the reference (i.e., Kuragaki) is applied under 35 U.S.C. § 102(e) as the earlier of the date of completion of the requirements of 35 U.S.C. § 371(c)(1), (2) and (4) or the filing date of the later filed U.S. application that claimed the benefit of the international application. *See* M.P.E.P. § 706.02(f)(1)(C)(3). As noted in field 86 on the face of the Kuragaki patent, the date of completion of the requirements of 35 U.S.C. § 371(c)(1), (2) and (4) for Kuragaki (and thus its effective § 102(e) date) was April 20, 2001, which is subsequent to the filing date of the present application. Accordingly, Kuragaki does not qualify as prior art under § 102(e).

Rejection of Claims 7-25

At page 4 of the Office Action, claims 18-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kuragaki. At page 4 of the Office Action, claims 7-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuragaki in view of "Official Notice." These rejections are respectfully traversed.

The Applicant respectfully submits that, contrary to the Examiner's assertions, Kuragaki does not disclose each and every limitation of claims 7-25, either alone or in combination with the knowledge of one of ordinary skill in the art or the prior art allegedly admitted to by the Applicant. Regardless, Kuragaki does not qualify as prior art under § 102, so it is respectfully submitted that the Examiner's reliance on Kuragaki as the basis to reject claims 7-25 is improper. Withdrawal of these rejections therefore is respectfully requested.

Obviousness Rejection of Claims 1-6 and 26-40

At page 7 of the Office Action, claims 1, 2, 4, 5 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee (U.S. Patent No. 6,327,653) in view of the Applicant's admitted prior art (AAPA). At page 10 of the Office Action, claims 28-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of "Official Notice". At page 10 of the Office Action, claims 1-4, 6, 26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Endo (U.S. Patent No. 6,615,303) in view of the Applicant's admitted prior art (AAPA). At page 14 of the Office Action, claims 28-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee and the AAPA in view of "Official Notice." At page 15 of the Office Action, claims 1, 2 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable

over Solomon (U.S. Patent No. 6,269,409) in view of the AAPA. These rejections are hereby respectively traversed with amendment.

Claim 1, from which claims 2-6 and 28-40 depend, has been amended to recite, in part, the limitations of providing a plurality of operating systems on a single information handling device having one or more appliances, the plurality of operating systems including an appliance operating system *dedicated to control the information handling device to operate a subset of the one or more appliances* (for example, an appliance operation system dedicated to controlling a DVD player or a DVD player in conjunction with a display) and a general operating system to perform general information handling tasks, and executing the appliance operating system to control an a subset of the one or more appliances, *wherein the appliance operating system is independent of the general operating system*. Claim 26, from which claim 27, has been amended to recite, in part, the similar limitations of executing an appliance operating system on a single information handling device having one or more appliances, the appliance operating system *dedicated to control the information handling device to operate a subset of the one or more appliances*. It is respectfully submitted that the Office Action fails to establish that any of Lee, Endo or Solomon, alone or in combination, disclose or suggest at least these limitations.

As a first issue, the Office Action fails to establish that Lee, Endo or Solomon, alone or in combination, disclose or suggest the limitations of an appliance operating system *dedicated to control an information handling device to operate a subset of the one or more appliances* of the information handling device as recited by claims 1 and 26. Lee and Endo disclose techniques for switching general operating systems and appear to contain no disclosure related to an appliance operating system dedicated to control a subset of one or more appliances as recited by claims 1 and 26. *See, e.g., Lee, Abstract and Endo, Abstract*. Consequently, the Office Action fails to establish that Lee or Endo disclose or suggest the limitations of executing such an appliance operating system as recited by claims 1 and 26. Solomon discloses a technique for the concurrent execution of two general operating systems using a software abstraction layer and appears to contain no disclosure related to an appliance operating system dedicated to control a subset of one or more appliances. *See, e.g., Solomon, Abstract and Figure 7*. Accordingly, the Office Action fails to establish that Solomon discloses or suggests the execution of such an appliance operating system as recited in claims 1 and 26.

As a second issue, the Examiner asserts, with respect to claim 26, that the passage at col. 1, lines 25-31 of Lee discloses the limitations of executing an appliance operating system and a general operating system concurrently. Office Action, p. 8. However, as admitted by the Examiner, Lee discloses a technique for *changing* operating systems or changing the working mode *under the same operating system*. Lee therefore discloses the *sequential* execution of operating systems and the *sequential* use of working modes under a single operating system. Accordingly, it is respectfully submitted that the Office Action fails to establish that Lee discloses the *concurrent* execution of operating systems as recited in claim 26.

As another issue, the Applicant respectfully objects to the Examiner's characterization of the background section of the present application as disclosing the limitations of executing an appliance operating system to control an appliance. See, e.g., Office Action, pp. 9, 14 and 17. The passage cited by the Examiner (namely page 1, line 11 to page 2, line 6) provides that "the trend has been to make *a single computer capable of implementing almost any task*, including home finance, web browsing, television tuning . . . To handle the wide variety of tasks in which computers are used, *a single operating system is used* to implement all tasks" Thus, while claims 1 and 26 recite the limitations of two operating systems, a general operating system and an appliance operating system dedicated to control a subset of one or more appliances, the passage cited by the Examiner discloses that only a single operating system conventionally is used to handle all tasks and makes no mention of the use of both a general operating system and an appliance operating system as recited by claims 1 and 26.

In view of the foregoing, it is respectfully submitted that the Office Action fails to establish that Lee, Endo, Solomon or the AAPA disclose or suggest, alone or in combination, each and every limitation of claims 1 and 26. Accordingly, the Office Action fails to establish that Lee, Endo, Solomon or the AAPA disclose or suggest each and every limitation of claims 2-6 and 28-40 at least by virtue of their dependency from one of claims 1 or 26. Moreover, these claims recite additional limitations neither disclosed nor suggested by the cited references.

Accordingly, it is respectfully submitted that the obviousness rejections of claims 2, 3, 5, 6 and 26-40 are improper at this time and the withdrawal of these rejections therefore is respectfully requested.

Addition of New Claims 41-46

In view of the substance of the Interview, new claims 41 and 44, dependent from claims 1 and 7, respectively, have been added to recite the additional limitations of wherein the general operating system and the appliance operating system are executed concurrently. New claims 42, 43, 45 and 46 recite the additional limitations of the execution of the general operating system relative to the execution of the appliance operating system, and *vice versa*. Support for the new claims may be found in the specification and figures as originally filed. No new matter is introduced. Entry thereof therefore is respectfully requested.

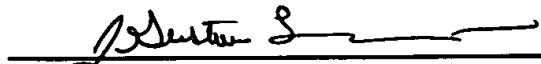
Conclusion

It is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicant does not believe that any additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

8-30-04
Date


J. Gustav Larson, Reg. No. 39,263
Attorney for Applicant
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone) (512) 327-5452 (fax)